

From: Adam Slater [ASlater@mazieslater.com]

Sent: Thursday, July 7, 2022 9:16 AM

To: Miller, Jessica D (WAS)

Cc: valpec@kirtlandpackard.com; DEC Valsartan List (DECValsartan@btlaw.com)

Subject: [Ext] Re: Follow-up on meet and confer

Hi Jessica, thank you for your email. I am still away on vacation but wanted to respond, although without the time to provide more context and discussion regarding the isolated excerpt you pulled from the transcript. As requested during our call, please advise in detail as to the nature of the dispositive motions contemplated by the Defendants - remembering that it was the Defendants who first raised the desire to file dispositive motions. Perhaps in providing that information we will get a better understanding of what you think we have not told you, that you believe you are in need of and entitled to know now (in advance of us having decided and refined which motions to file and how to be presented, and actually briefing the issues). With regard to your request to list the cases at issue, we have already told you that in the absence of more refined guidance from the Court we assumed we would be expected to brief dispositive motions consistently with what was done when the defendants filed their many motions to dismiss targeted at the allegations of the master complaints. If we are not understanding your request (as opposed to simply not agreeing to your repeated request to conduct case specific expert discovery and then brief dispositive motions in the individual personal injury cases, which the Court also indicated was not contemplated), perhaps you can spell out what you are seeking.

As far as your statement that you need to tailor fact and expert discovery, that is unclear to us. Discovery has been ongoing for several years, and it does not seem that additional discovery specific to contemplated summary judgment motions would be needed beyond what is scheduled to be completed, including the service of liability expert reports. Please advise as to what you are referencing or contemplating so we can understand what is being asked of us.

Thank you,

Adam Slater